

'APR 4' 1994

Before the
Federal Communications Commission
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)	MM Docket No. 93-205
)	
Amendment of Section 73.202(b))	RM-8270
Table of Allotments,)	
FM Broadcast Stations.)	
(Donalsonville, Georgia))	

To: Mass Media Bureau (Policy & Rules)

CONSOLIDATED OPPOSITION TO PETITIONS FOR RECONSIDERATION

Albany Radio, Inc., ("ARI")¹, by its attorney, hereby opposes the Petitions for Reconsideration filed January 10, 1994 by Jerry E. White and Donald F. White, Sr ("White"), and filed January 12, 1994, by Marshall W. Rowland ("Rowland").² The Petitions raise similar arguments. In order to avoid needless redundancy, ARI has consolidated its opposition to the two petitions herein. Moreover, as will be shown, Rowland has no legitimate interest in this proceeding and his petition should be dismissed therefore. In support thereof, the following is shown.

By Report and Order, released December 8, 1993, Donalson-

¹ EME Communications, ("EME") was an original party to this rule making. One of its principals, Clyde Scott, became a principal in ARI, applicant for Channel 299C3 at Sasser, Georgia (File No. BPH-930916MA). Mr. Scott has since withdrawn from ARI, however, ARI would be aggrieved by a grant of the pending petitions for reconsideration. ARI has become a successor in interest to EME in this proceeding.

² This opposition is timely filed within 15 days after the public notice of Rowland's and White's petitions appeared in the Federal Register, 59 FR 12922, March 18, 1994. See, Section 1.4(b)(1) of the rules.

004

ville, Georgia 8 FCC Rcd 8506 (MMB 1993) the Commission allotted Channel 271A to Donalsonville, Georgia, in lieu of Channel 298A. In reaching its decision, the Commission found that land may not be available within the useable area for towers to accommodate allotments at Channel 298A at Donalsonville and Channel 299C3 at Sasser, Georgia. Moreover, ARI's construction permit application on file for Channel 299C3 at Sasser, Georgia, (File No. BPH-930916MA) would have conflicted with the allotment of Channel 298A at Donalsonville.

Recognizing and seeking to accommodate ARI's application, the Commission studied alternate channels for Donalsonville and determined that Channel 271 could be allotted to Donalsonville in lieu of Channel 298A. This action conforms fully to the Commission's well-established policy to resolve conflicts between a rule making petition and a later-filed FM application whenever possible. See, e.g., Conflicts between Applications and Petitions for Rule Making to the FM Table of Allotments (MO&O), 8 FCC Rcd 4743 (1993). The Commission's resolution of the rule making proceeding was in full accord with law and policy.³ White and Rowland have failed to show otherwise and their petitions must be denied.

White argues that "there is no land on which to locate a transmitter and tower site for Channel 271A in Donalsonville." Rowland states that the Commission will not permit an allot-

³ Although not reflected in the Donalsonville Report and Order, it is significant to note that Channel 299C3 at Sasser is a first local service, while the Donalsonville allotment is a third local service.

ment that is short spaced to any existing site and that the reference coordinates selected for Channel 271A are on land that is not available for a transmitter site. If the land is not available, he argues, the allotment cannot be made.

The attached technical exhibit contains a showing of a fully-spaced transmitter site for Channel 271A and includes a letter from Mr. James Buie, the landowner, agreeing to enter into lease negotiations to make his land and existing tower site available for a facility on Channel 271A.

It is common to build an FM tower site at a location different a FM channel's theoretical reference coordinates. This was recognized in the recent proceeding establishing "one-step upgrades", Amendment of the Commission's rules to Permit FM Channel and Class Modifications by Application, 8 FCC Rcd 4735, ¶ 13 (1993). Therein, the Commission dealt with the issue of site availability and concluded that a station must be able to show suitable fully-spaced reference coordinates for a proposed one-step upgrade before it may avail itself of application criteria available for short-spaced sites, e.g., contour protection. The Commission noted that generally speaking, "unsuitable allotment reference sites include those which are offshore, in a national or state park in which tower construction is prohibited, on an airport, or otherwise in an area which would necessarily present a hazard to air navigation." The reference coordinates for Channel 271A are in none of these areas. Consistent with Commission policy and precedent, Channel 271A was properly allotted to

Donalsonville at suitable reference coordinates. Moreover, a fully-spaced transmitter site is available for Channel 271A. White's and Rowland's arguments about the "availability" of a transmitter site and theoretical reference coordinates are unfounded.

Rowland states that the Commission's decision to allot Channel 271A to Donalsonville, Georgia, was a "direct result" of EME's statement in the rule making that no land would be available within the reduced area for a Channel 299C3 transmitter site. Rowland points to his own application for Channel 299C3 at Sasser, Georgia, (File No. BPH-930916MB) which proposes a transmitter site fully-spaced to Channel 298A at Donalsonville. He avers that his application is proof that EME misrepresented tower site availability for Channel 299C3.

In the attached technical exhibit prepared by EME, item 5 is a map showing the "clear area" available to locate a transmitter site for Channel 299C3 at Sasser in the event Channel 298A had been allotted to Donalsonville as proposed. EME commented in the rule making proceeding that no landowners situated within this reduced clear area would agree to make their property available for a transmitter site. White⁴ acknowledged in the rule making that "land for a transmitter site for Sasser may not be available within the useable area of Channel 299C3 should Channel 298A be allotted to Donalsonville as proposed." Notarized statements from five of the

⁴ White, d/b/a Seminole Decatur Radio Company, was the proponent of the Donalsonville rule making proposal.

landowners within the reduced clear area are attached hereto. In addition, ARI attaches a statement made under penalty of perjury regarding its discussions with the remaining landowners⁵ within the reduced clear area. Without exception, each landowner affirmed that they have no desire to allow their land to be used for a radio station transmitter site.

As shown by Exhibit 5 to the attached technical statement, Rowland's proposed transmitter site at Sasser, (31° 43' 33", 84° 29' 26") is outside the reduced clear area by a few tenths of a kilometer. It meets the spacing requirements to the Channel 298A proposal at Donalsonville merely by use of the Commission's policy of metric rounding. EME did not check the availability of transmitter sites beyond the reduced clear area. Accordingly, there is no basis for White's and Rowland's attacks on EME's truth and veracity.

Rowland's statement of interest

Rowland's construction permit application for Sasser, Georgia, is mutually exclusive with that of ARI. Rowland states (§ 10) that he did not participate in any prior stage of this proceeding because he did not have an interest at stake. His new found interest is alluded to in his footnote 3. Rowland has filed a Petition to Deny ARI's CP application at Sasser, alleging that the applicant's short-spacing to the proposed reference coordinates in RM-8270 for Channel 298A at

⁵ In one case, ARI spoke to the landowner's agent.

Donalsonville is a defect requiring dismissal.⁶ Rowland has expressed no other apparent interest in the Donalsonville allotment.

Rowland would gain no benefit from the allotment of Channel 298A at Donalsonville apart from his transparent and unfounded attempt to cause the dismissal of ARI's mutually exclusive application at Sasser, Georgia. Rowland has no legitimate interest in this proceeding; his attempt to abuse the Commission's processes must be quashed and his petition should be dismissed. No applicant has a vested interest in the disqualification or dismissal of a competing applicant for a new FM channel. Azalea Corp. 31 FCC 2d 561, 563 (1971); RRAD, Inc. 104 FCC 2d 876 ¶ 8 (1986).

Respectfully Submitted,

ALBANY RADIO, INC.

By 

John S. Neely
Its Attorney

April 4, 1994

Miller & Miller, P.C.
P.O. Box 33003
Washington, DC 20033

⁶ ARI opposed the Petition to Deny through its reliance on the Commission's Report and Order specifically accommodating its application by allotting Channel 271 to Donalsonville. Deleting the proposal for Channel 298 at Donalsonville prior to the close of the amendment-as-of-right period at Sasser eliminated the need for ARI to amend the engineering portion of its application to protect Channel 298A.

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of April, 1994
a copy of the foregoing document was placed in the United States
mail, first class postage prepaid, addressed to the following:

Jerry E. White
Route 3, Box 514
Pelham, GA 31779

Gary Smithwick, Esq.
Smithwick & Belenduik
Suite 510
1990 M Street, N.W.
Washington, DC 20036

Fayeann Beach

**TECHNICAL EXHIBIT
OPPOSITION TO PETITION FOR
RECONSIDERATION OF
MM DOCKETT NO. 93-205
DONALSONVILLE, GEORGIA.**

THE COMMISSION HAS BEFORE IT TWO PETITIONS FOR RECONSIDERATION IN THE ABOVE MENTIONED MATTER. ONE PETITION FROM JERRY E. WHITE AND ONE FROM MARSHALL W. ROWLAND, SR. MR. WHITE'S PETITION ASSUMES THAT CHANNEL 271A CANNOT BE BUILT AT DONALSONVILLE BECAUSE THERE IS NOWHERE TO LOCATE A TOWER SITE ON AVAILABLE LAND.

IN MR. WHITE'S PETITION, HE DID NOT MENTION THE POSSIBILITY OF A DIRECTIONAL ANTENNA OR CONTOUR PROTECTION AS ALLOWED BY THE COMMISSION WHEN FILING AN APPLICATION FOR A CONSTRUCTION PERMIT. IN THE PETITION OF MARSHALL ROWLAND, SR., HE ARGUES THAT NO LAND IS AVAILIABLE AT THE FULLY SPACED REFERENCE COORDINATES FOR CH. 271. IN THIS TECHNICAL EXHIBIT, I WILL SHOW THE COMMISSION THAT THERE IS NO NEED TO ALTER ITS DECISION ON THIS MATTER BECAUSE CHANNEL 271 CAN BE BUILT AT DONALSONVILLE, GEORGIA WITHOUT THE EXPENSE OF A DIRECTIONAL ANTENNA OR EVEN THE EXPENSE OF BUILDING A TOWER.

EXHIBIT-0 IS A LETTER FROM MR. JAMES BUIE, THE OWNER OF SEMINOLE COMMUNICATIONS, INC. LOCATED IN DONALSONVILLE, GEORGIA. THIS LETTER STATES MR. BUIE'S WILLINGNESS TO RENT SPACE ON HIS TOWER FOR A NEW FM BROADCAST STATION ANTENNA.

THIS TOWER IS LOCATED AT 31-05-35 N LAT. & 84-55-18 W LON.

EXHIBIT-1 IS A SPACING STUDY FOR THIS TOWER SITE.

THIS EXHIBIT SHOWS THIS SITE TO BE .2 KM SHORT BLOUNTSTOWN, FLORIDA. THIS SITE CLEARS WPHK BY USING METRIC ROUNDING, SO WPHK IS NOT A FACTOR. IT IS ALSO 1.4 KM SHORT TO A CONSTRUCTION PERMIT ISSUED TO WWSG AT SYLVESTER, GEORGIA.

UNDER THE COMMISSIONS RULES AS STATED IN CFR 73.215, EXHIBITS 2, 2A & 2B SHOWS THAT THIS SITE CLEARS WWSG BY 1.9 KM USING THE CONTOUR PROTECTION/TERRAIN CONSIDERATION PROVISIONS.

EXHIBIT-2 IS AN INTERFERENCE STUDY TEXT AND EXHIBITS 2A & 2B ARE PLOTS THAT SHOW CONTOUR PROTECTION CAN BE EMPLOYED. THIS STUDY ASSUMES WWSG OPERATING AT FULL POWER AND HEIGHT AND CHANNEL 271A OPERATING AT 140.5 M AMSL AND A FULL 6KW ERP. THE ANTENNAS CAN BE LOCATED AT THE 300 FT. LEVEL ON MR. BUIE'S TOWER. THIS IS 92 M HAAT AT THIS SITE. EXHIBIT-4 IS A 7.5 MIN TOPOGRAPHIC MAP SHOWING THE REFERENCE COORDINATES AND THE SEMINOLE COMMUNICATIONS TOWER LOCATION. THERE IS 1KM SEPARATION OF THESE TWO SITES. EXHIBIT-5 IS A PLOT SHOWING THE SITE OF MR. ROWLAND FOR CH 299C3 AT SASSER, AS IT RELATES TO THE CLEAR AREA IF THE PUBLIC NOTICE TO ALLOT CHANNEL 298A TO DONALSONVILLE HAD BEEN GRANTED.

THE ATTACHED EXHIBITS CLEARLY SHOW THAT CHANNEL 271A CAN BE LOCATED AT DONALSONVILLE, GEORGIA. THEREFORE, THE COMMISSION SHOULD DENY THE PETITIONS FOR RECONSIDERATION.

SEMINOLE COMMUNICATIONS, INC.

P.O. Box 281
DONALSONVILLE, GEORGIA 31745
(912) 24-8093

Clyde Scott, Jr.
EME Communications
293 JC Saunders Road
Moultrie, Ga. 31768


March 15, 1994

Mr. Scott,

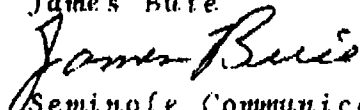
Let this letter serve as assurance that I am willing to enter into negotiations for a lease on  located at Donaldsonville, Georgia for a new FM broadcast facility on channel 271, 102.1 MHz. A new FM antenna can be located  the hundred (300) foot level, AGL. The coordinates for the tower

North Latitude: 31 05 35

West Longitude: 84 55 18

If I can be of further assistance,  on me.

James Buie


Seminole Communications, Inc.

EX-0

FM CHANNEL SPACING STUDY

Job title: DONALSONVILLE, GA.

Channel: 271A

Database file name: D:\FCCDATA\FM940126.EDX

Latitude: 31 5 35

Longitude: 84 55 18

Pre-1989 Class A spacings?: N
Reqd.

CH	Call	Record	City	ST	Status	Bear.	Dist.	Dist.	Result
271C3	WQLC	6054	Watertown	FL	LIC	114.7	224.2	142.0	
270C3		6568	Monticello	FL	VACANT	128.5	126.3	89.0	
270C3	WJPH	6595	Monticello	FL	APP	125.5	122.9	89.0	
270A	WJPH	6596	Monticello	FL	LIC	121.6	118.1	72.0	
<u>CLEAR UNDER CFR-73.215 -- SEE EXHIBIT 2 --</u>									
271A	WWSG	6631	Sylvester	GA	LIC	64.5	113.6	115.0	-1.4
218C1	WFSQ	7195	Tallahassee	FL	LIC	159.9	86.8	22.0	
218C1	WFSQ	7197	Tallahassee	FL	CP	159.9	86.8	22.0	
272A	WSLE	7223	Cairo	GA	LIC	102.0	76.8	72.0	4.8
268C2	WXHR	7229	Quincy	FL	LIC	144.7	78.0	55.0	23.0
269A	WKAK	7267	Albany	GA	LIC	51.0	93.7	31.0	
271A		7274	Donalsonville	GA	ADD	264.6	1.0	115.0	-114.0
<u>CLEAR UNDER 73.207 USING METRIC ROUNDING</u>									
272A	WPHK	7903	Blountstown	FL	LIC	189.2	71.8	72.0	-.2
273A	NEW	7928	Dothan	AL	APP	288.6	42.0	31.0	11.0
273A	WESP	7929	Dothan	AL	LIC	290.1	43.7	31.0	12.7
273C3	WESP	7943	Dothan	AL	APP	290.3	43.6	42.0	1.6
217A	WVOB	7944	Dothan	AL	LIC	282.3	47.2	10.0	
273C3		7948	Dothan	AL	VACANT	293.2	42.9	42.0	.9
271C3	WAV	8542	Santa Rosa Beach	FL	CP	239.6	153.3	142.0	11.3
272A	WAV	8553	Santa Rosa Beach	FL	LIC	240.2	159.2	72.0	
272A	WAMIFM	8580	Opp	AL	LIC	281.3	130.1	72.0	
270C	WHYFM	8589	Montgomery	AL	LIC	320.7	188.9	165.0	23.9

***** End of channel 271 study *****

EXHIBIT-1

CHANNEL 271 SPACING STUDY
FROM SEMINOLE COMM. TOWER
DONALSONVILLE, GA.

EME

PROFESSIONAL ENGINEERING SERVICES
FOR THE PROFESSIONAL BROADCASTER

COMMUNICATIONS

293 JC SAUNDERS ROAD
MOULTREE, GEORGIA 31768
(912)890-2506

FM CHANNEL INTERFERENCE STUDY

Job title: DONALSONVILLE, GA.

Latitude: 31 5 35

Channel: 271A

Longitude: 84 55 18

Transmit antenna elev: 140.5 meters

Proposed maximum ERP: 6.0000 kW

Database file name: D:\FCCDATA\FM940126.EDX

Protect maximum contours?: Y
Reqd.

CH	Call	Record	City	ST	Status	Bear.	Dist.	Dist.	Result
270C3	WJPH	6595	Monticello	FL	APP	125.5	122.9	84.6	
Prop F(50,10)	54 dBu	41.3 km + WJPH	F(50,50)	60 dBu	37.0 km =			78.2	
Prop F(50,50)	60 dBu	26.7 km + WJPH	F(50,10)	54 dBu	57.8 km =			84.6	
270A	WJPH	6596	Monticello	FL	LIC	121.6	118.1	72.2	
Prop F(50,10)	54 dBu	41.1 km + WJPH	F(50,50)	60 dBu	29.5 km =			70.6	
Prop F(50,50)	60 dBu	26.6 km + WJPH	F(50,10)	54 dBu	45.5 km =			72.2	

SEMINOLE COMM.SITE CLEAR WWSG UNDER CFR-73.215

271A	WWSG	6631	Sylvester	GA	LIC	64.5	113.6	111.7	1.9
Prop F(50,10)	40 dBu	85.0 km + WWSG	F(50,50)	60 dBu	26.6 km =			111.7	
Prop F(50,50)	60 dBu	27.0 km + WWSG	F(50,10)	40 dBu	84.6 km =			111.6	
218C1	WFSQ	7197	Tallahassee	FL	CP	159.9	86.8	22.0	
IF channel separation requirement = 22.0 km									
272A	WSLE	7223	Cairo	GA	LIC	102.0	76.8	69.2	7.6
Prop F(50,10)	54 dBu	42.9 km + WSLE	F(50,50)	60 dBu	26.3 km =			69.2	
Prop F(50,50)	60 dBu	27.7 km + WSLE	F(50,10)	54 dBu	40.6 km =			68.3	
271A		7274	Donalsonville	GA	ADD	264.6	1.0	115.5	-114.5
Prop F(50,10)	40 dBu	87.2 km +	F(50,50)	60 dBu	28.3 km =			115.5	
Prop F(50,50)	60 dBu	28.7 km +	F(50,10)	40 dBu	86.6 km =			115.3	

NOT A FACTOR - CLEAR UNDER CFR-73.207 (METRIC ROUNDING)

272A	WPHK	7903	Blountstown	FL	LIC	189.2	71.8	72.0	-.2
Prop F(50,10)	54 dBu	41.3 km + WPHK	F(50,50)	60 dBu	29.3 km =			70.6	
Prop F(50,50)	60 dBu	26.8 km + WPHK	F(50,10)	54 dBu	45.2 km =			72.0	
273C3	WESP	7943	Dothan	AL	APP	290.3	43.6	39.9	3.7
Prop F(50,10)	100 dBu	2.8 km + WESP	F(50,50)	60 dBu	37.1 km =			39.9	
Prop F(50,50)	60 dBu	28.7 km + WESP	F(50,10)	100 dBu	3.7 km =			32.4	
273C3		7948	Dothan	AL	VACANT	293.2	42.9	41.9	1.1
Prop F(50,10)	100 dBu	2.8 km +	F(50,50)	60 dBu	39.1 km =			41.9	
Prop F(50,50)	60 dBu	28.6 km +	F(50,10)	100 dBu	4.1 km =			32.7	

***** END OF CHANNEL 271 STUDY *****

EXHIBIT-2

CHANNEL 271 INTERFERENCE STUDY

WWSG CLEAR UNDER 73215

FROM SEMINOLE COMM. TOWER

DONALSONVILLE, GA.

EME

PROFESSIONAL ENGINEERING SERVICES
FOR THE PROFESSIONAL BROADCASTER

COMMUNICATIONS

293 JC SAUNDERS ROAD
MOULTRIE, GEORGIA 31768
(912)890-2506

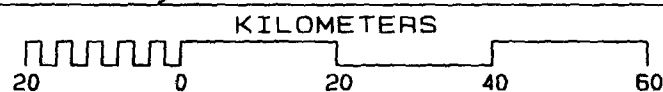
PROPOSED 271A
40 DBu F50:10
CONTOUR

WWSG-SYLVESTER
60 DBu F50:50
CONTOUR

+

+

Transverse Mercator



EME COMMUNICATIONS
Consulting Engineers
MOULTRIE, GEORGIA, U.S.A.

271 F 50:10 CONTOUR
WWSG F 50:50 CONTOUR
PLOT IS 1:100,000 SCALE

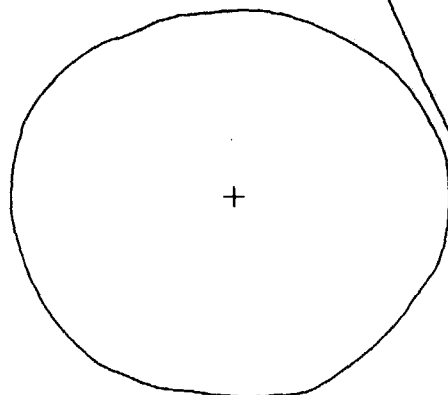
CH 271-CONTOUR PROTECT

PROP. 271 40DBU - WWSG 60 DBU.

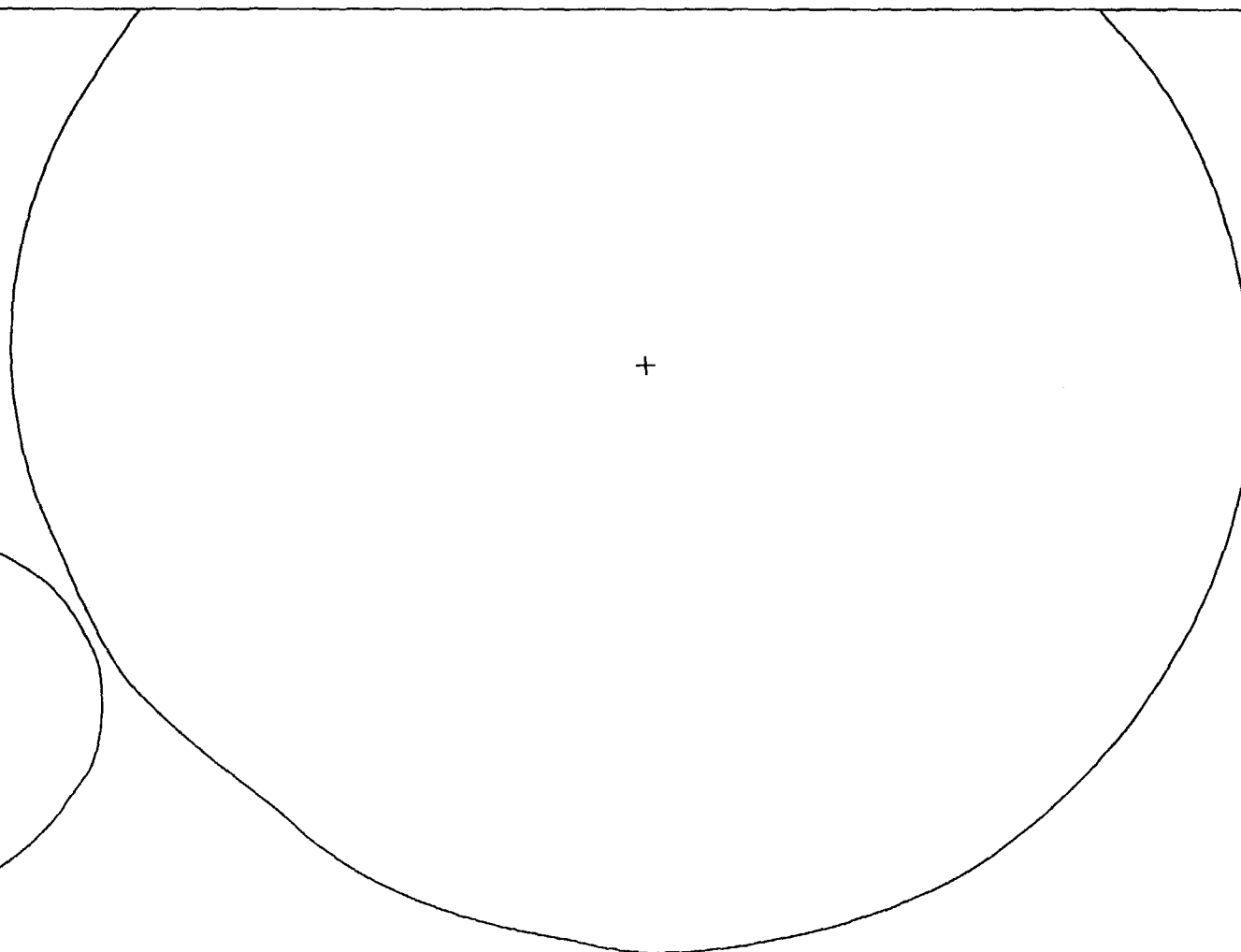
3/16/94

EXHIBIT-2A

PROPOSED 271A
60 DBu F50:50
CONTOUR



+



WWSG-SYLVESTER
40 DBu F50:10
CONTOUR

Transverse Mercator



EME COMMUNICATIONS
Consulting Engineers
MOULTREE, GEORGIA, U.S.A.

WWSG - F 50:10 CONTOUR
PROP 271 F 50:50 CONTOUR
PLOT IS 1:100,000 SCALE

CH 271-CONTOUR PROTECT

WWSG 40 DBu - PROP 271 60 DBu

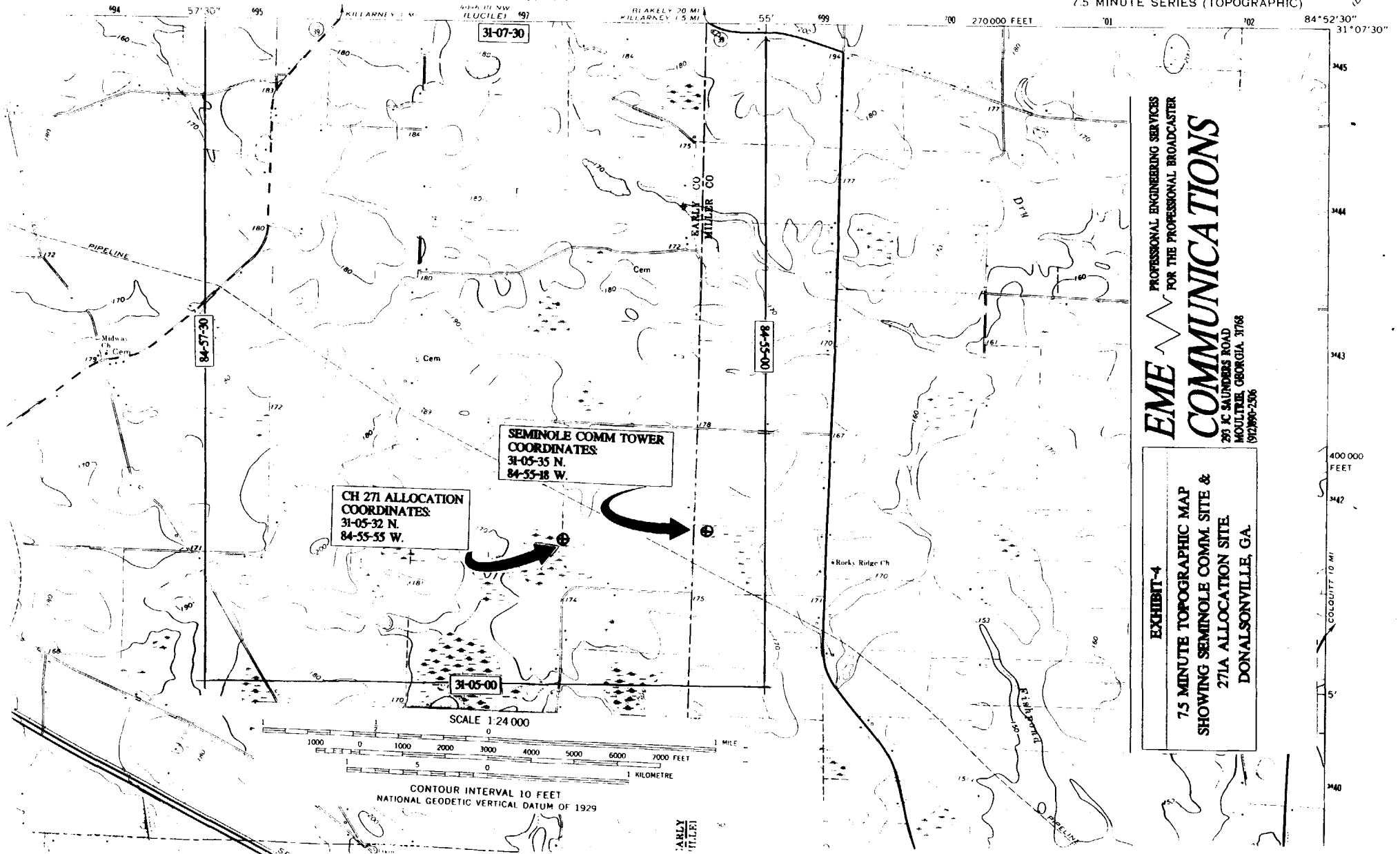
3/16/94

EXHIBIT-2B

STATE OF GEORGIA
DEPARTMENT OF NATURAL RESOURCES
EARTH AND WATER DIVISION

DONALSONVILLE WEST QUADRANGLE
GEORGIA-ALABAMA
7.5 MINUTE SERIES (TOPOGRAPHIC)

7.5 MINUTE
DONALSONVILLE, GA



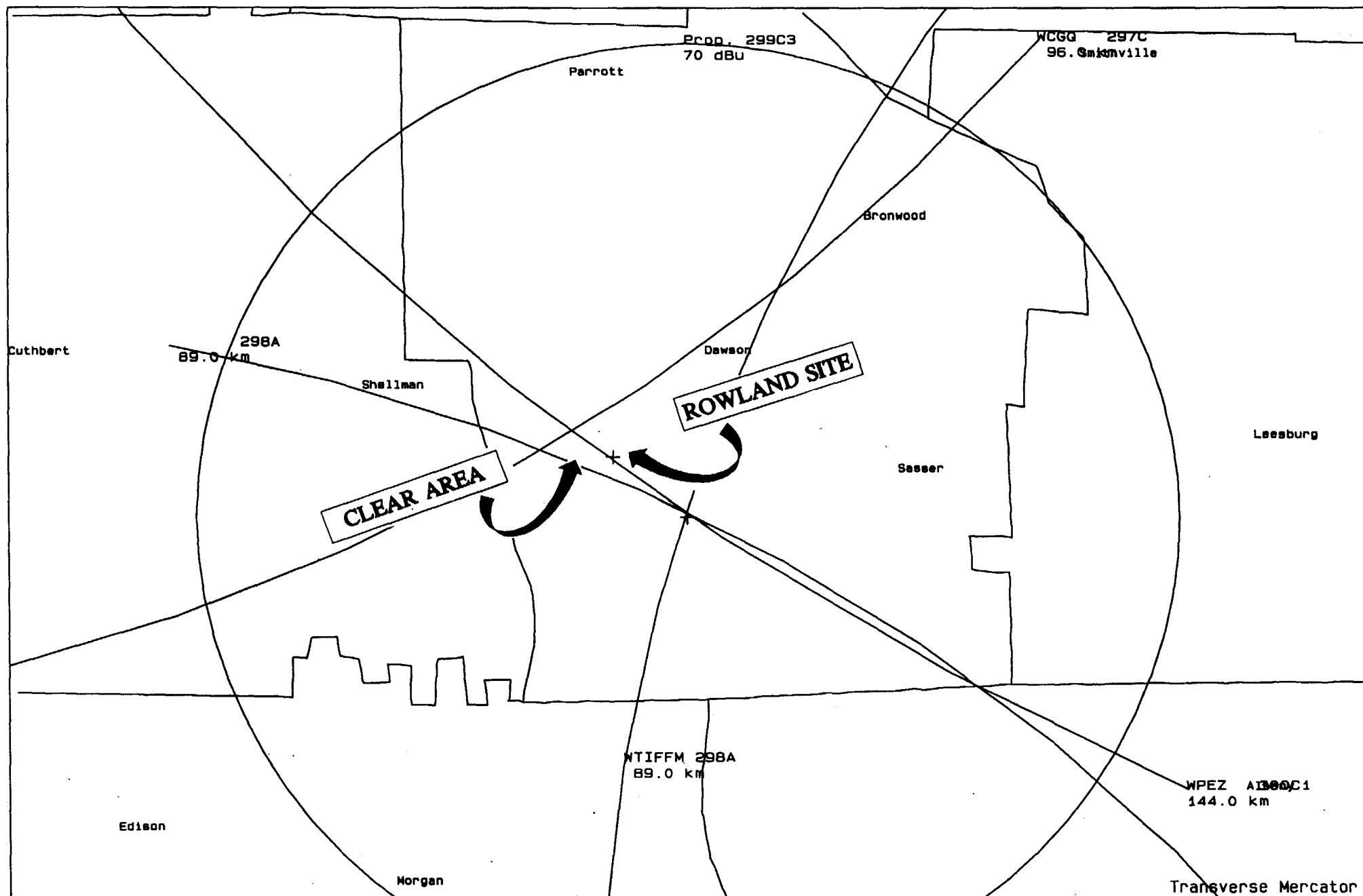
EME PROFESSIONAL ENGINEERING SERVICES
FOR THE PROFESSIONAL BROADCASTER

COMMUNICATIONS

291 K SAUNDERS ROAD
MOULTON, GEORGIA 31768
(912) 860-2506

EXHIBIT-4

**7.5 MINUTE TOPOGRAPHIC MAP
SHOWING SEMINOLE COMM. SITE &
271A ALLOCATION SITE
DONALSONVILLE, GA.**



Prop. 299C3
70 dBu

WCGG 297C
96.0 km

Parrott

Bronwood

Dawson

ROWLAND SITE

CLEAR AREA

298A

89.0 km

Shelton

Sasser

Leesburg

NTIFFM 298A
89.0 km

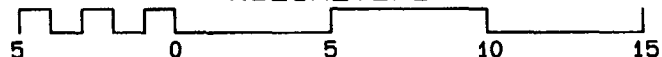
WPEZ A1300C1
144.0 km

Edison

Morgan

Transverse Mercator

KILOMETERS



E.M.E. COMMUNICATIONS
Consulting Engineers
Moultrie, Georgia, U.S.A

PLOT IS 1:250,000
PLOT CENTER IS ALLOC.COORD

SITE OF ROWLAND 299C3

NOT LOCATED WITHIN CLEAR AREA.

3/16/94

EXHIBIT-5

PERSONAL STATEMENT

IT IS MY BELIEF THAT THE ONLY INTEREST BY EITHER PARTY IN THIS ACTION ARE PERSONAL ATTACKS ON ME.

MR. WHITE, OR ANY PARTY INTERESTED IN CONSTRUCTING THIS FACILITY, SHOULD HAVE CONTACTED MR. BUIE CONCERNING THE POSSIBLE USE OF HIS TOWER. ANYONE WHO PERSONALLY INSPECTED THE LAND ON WHICH TO BUILD A TOWER COULD NOT MISS THE FACT THAT THIS TOWER EXISTS. IT IS 450 FEET TALL AND CLEARLY VISIBLE FOR SEVERAL MILES. IT IS MY PERSONAL BELIEF THAT MR. WHITE'S ONLY INTEREST WAS TO CLOSE THE AREA TO LOCATE SASSER, GEORGIA, AND NOT IN BUILDING A FM FACILITY AT DONALSONVILLE. THE CHARGES BROUGHT BY MR. ROWLAND ARE ONLY ECHOS OF MR. WHITE'S CHARGES AND OUTLINED BY AN ATTORNEY WHO IS KNOWN FOR VICIOUS ATTACKS ON OTHER APPLICANTS.

MY INVOLVEMENT IN THE SASSER FACILITY STARTED IN FEBRUARY OF 1990. IT WAS A FULL THREE YEAR BATTLE FOR ME TO GET THIS ALLOCATION FOR CHANNEL 299C3. NO CLEAR THINKING PERSON COULD THINK THAT I WOULD MAKE MIS-REPRESENTATION TO THE COMMISSION AND JEOPARDIZE MY ABILITY TO PRACTICE BEFORE IT BECAUSE OF ONE SINGLE ALLOCATION.

SINCE THIS ATTACK WAS BROUGHT BEFORE THE COMMISSION, ALL LAND OWNERS OR AGENTS OF THE LAND OWNERS, WERE AGAIN VISITED, WITHIN THE CLEAR AREA FOR CHANNEL 299C3 AT SASSER, AND HAVE AGAIN STATED THEIR DENIALS OF AVAILABLE LAND ON WHICH TO LOCATE A TOWER.

MR. ROWLAND AND MR. WHITE BOTH STATE THAT MR. ROWLAND'S SITE IS CLEAR PROOF THAT I KNOWINGLY MISLEAD THE COMMISSION, BUT NEITHER MENTION THE FACT HIS SITE IS NOT IN THE CLEAR AREA. I DO ADMIT THAT I DID NOT CHECK LAND OWNERS OUTSIDE THE CLEAR AREA.

MR. ROWLAND HAS A HISTORY OF HIS ACTIONS CONTRADICTING HIS WORDS. EVEN HIS ATTACK ON THE NAME OF "ALBANY RADIO, INC" IS A CONTRADICTING STATEMENT CONSIDERING MR. ROWLAND'S OWN FACILITY IS LISTED AS "ROWLAND ALBANY RADIO, INC." MR. ROWLAND'S STUDIO FACILITY FOR HIS "LEESBURG, GEORGIA" STATION IS LOCATED AT 235 ROOSEVELT AVE, SUITE 501, ALBANY, GEORGIA. 31701.

THE REASON FOR THE ORIGINAL PETITION AT DONALSONVILLE FOR 298A IS OBVIOUS TO ME AND HOPE IT IS OBVIOUS TO THE COMMISSION. MR. WHITE HAS NO REAL INTEREST IN A RADIO STATION IN THIS COMMUNITY. IF HE DID, HE WOULD HAVE TRIED TO FIND A WAY TO BUILD 271A INSTEAD OF ASSUMING THAT IT COULD NOT BE DONE, AND FILED AN APPLICATION WITHIN THE NOW EXPIRED WINDOW. THE REASON FOR MR. ROWLAND'S ATTACK IS OBVIOUS, HE IS AN APPLICANT FOR SASSER, GEORGIA AND WILL LOOK FOR ANY REASON TO PROTECT HIS OWN INTEREST NO MATTER WHOSE INTEGRITY HE HAS TO ATTACK.

IF MR. ROWLAND TRULY FINDS ME INCOMPETENT, THEN LET HIM EXPLAIN WHY HE EMPLOYED ME FOR SEVERAL YEARS AS HIS ENGINEER, UP UNTIL THE DAY AFTER HE FILED HIS APPLICATION FOR SASSER. AT THAT TIME, I RESIGNED. LET HIM EXPLAIN WHY HE EMPLOYED ME TO PREPARE HIS LAST FILED FCC FORM 301 TECHNICAL EXHIBIT FOR HIS LEESBURG, GEORGIA STATION, OPERATING FROM ALBANY, GEORGIA..!!! AGAIN, HIS ACTIONS AND HIS WORDS DO NOT ADD UP.

THE COMMISSION STAFF SHOULD SEE THESE PETITIONS FOR WHAT THEY REALLY ARE, PERSONAL ATTACKS, AND OF NO INTREST TO THE TRUTH OR TO THE PEOPLE OF DONALSONVILLE, SEMINOLE COUNTY, GEORGIA.

RESPECTFULLY:

A handwritten signature in cursive script, appearing to read "Clyde Scott, Jr.", written in dark ink.

CLYDE SCOTT, JR.

EME COMMUNICATIONS.

AFFIDAVIT AND OUALIFICATIONS OF PREPARER


STATE OF GEORGIA)
CITY OF MOULTRIE)
COLQUITT COUNTY)

ss:

CLYDE SCOTT, JR. FIRST BEING DULY SWORN, DEPOSES AND SAYS HE IS A
BROADCAST ENGINEER AND PRESIDENT OF EME COMMUNICATIONS.
HE HAS BEEN ENGAGED TO PREPARE THE ATTACHED TECHNICAL EXHIBIT

THAT HIS QUALIFICATIONS ARE A MATTER OF RECORD BEFORE THE FEDERAL
COMMUNICATIONS COMMISSION AND HAS BEEN ACTIVE IN THE BROADCAST
INDUSTRY SINCE 1965 AND IN BROADCAST ENGINEERING SINCE 1972. THAT
HE IS THE HOLDER OF GENERAL RADIOTELEPHONE LICNESE NO. PG-6-30133.

THAT THE ATTACHED TECHNICAL EXHIBIT WAS EITHER PREPARED BY HIM
OR UNDER HIS DIRECT SUPERVISION. ALL MATERIAL AND EXHIBITS HERETO
ARE BELIEVED TO BE TRUE AND CORRECT.



CLYDE SCOTT, JR.
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS
DAY, MARCH 30TH, 1994




Notary Public, Colquitt County, Georgia
My Commission Expires October 7, 1995

To whom it may concern:

I own property located at route 5, Dawson, near Herod & doverel, Georgia. I understand this property is located within an area for a new FM radio station licensed to Sasser, Georgia.

I have no interest in selling or leasing this property, or any part of it, for a radio station transmitter or antenna tower.

Rachael R Fletcher
Rachel R. Fletcher

3-30-94
Date

912 995 3316
Telephone Number

Donna Lee Scott
Notary
Notary Public, Colquitt County, Georgia
My Commission Expires October 7, 1998

To whom it may concern:

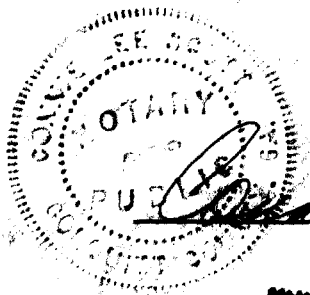
I own property located at route 5, Dawson, near Herod & doverel, Georgia. I understand this property is located within an area for a new FM radio station licensed to Sasser, Georgia.

I have no interest in selling or leasing this property, or any part of it, for a radio station transmitter or antenna tower.

Al Breedlove
Al Breedlove

3-30-94
Date

Telephone Number



Carrie Lee Scott
Notary

Notary Public, State of Georgia
My Commission Expires 7/1995

To whom it may concern:

I own property located at route 5, Dawson, near Herod & doverel,
Georgia. I understand this property is located within an area
for a new FM radio station licensed to Sasser, Georgia.

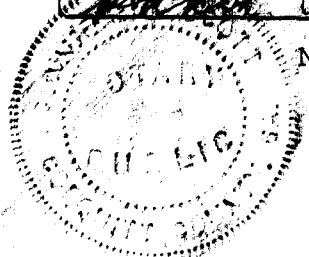
I have no interest in selling or leasing this property, or any
part of it, for a radio station transmitter or antenna tower.

Zelma Sullivan
Zelma Sullivan

March 30, 1994
Date

995- 5336
Telephone Number


Lee Scott
Notary
Notary Public, Colquitt County, Georgia
My Commission Expires 03/31/95

A circular notary seal for Lee Scott, Notary Public, Colquitt County, Georgia. The seal contains the text "NOTARY PUBLIC", "COLQUITT COUNTY, GEORGIA", and "LEE SCOTT".

To whom it may concern:

I own property located at route 5, Dawson, near Herod & doverel,
Georgia. I understand this property is located within an area
for a new FM radio station licensed to Sasser, Georgia.

I have no interest in selling or leasing this property, or any
part of it, for a radio station transmitter or antenna tower.


Harry Chambless

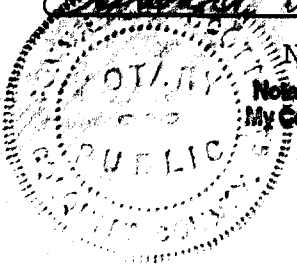
3-30-94
Date

995-3562
Telephone Number



Notary

Notary Public, Colquitt County, Georgia
My Commission Expires October 7, 2001



To whom it may concern:

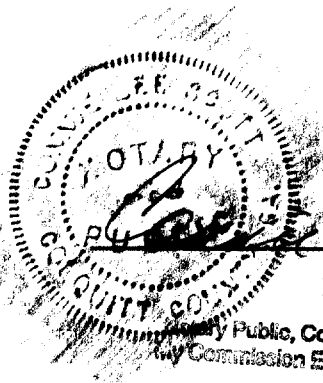
I own property located at route 5, Dawson, near Herod & doverel,
Georgia. I understand this property is located within an area
for a new FM radio station licensed to Sasser, Georgia.

I have no interest in selling or leasing this property, or any
part of it, for a radio station transmitter or antenna tower.

P. Brueder
Pierre Brueder

3-30-84
Date

912-885-6697
Telephone Number

 Lee Scott
Notary
Notary Public, Colquitt County, Georgia
My Commission Expires